## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

FRANK MANUEL HERNANDEZ,

Plaintiff

v.

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PERRY RUSSELL, et al.,

**Defendants** 

Case No.: 3:20-cv-00114-MMD-CSD

Order

Re: ECF No. 56

Before the court is Plaintiff's motion requesting the issuance of subpoenas for nonparties. (ECF No. 56.)

The court screened Plaintiff's complaint and allowed him to proceed with an Eighth Amendment claim of excessive force against defendants Lennon and Craig based on allegations that Lennon pointed the laser of his gun at Plaintiff's head, which resulted in damage to his vision, and Craig watched and did not intervene. (ECF No. 7.) Lennon has since been dismissed for lack of timely service. (ECF No. 49.)

First, Plaintiff claims that he has been seen by outside eye doctors and damage was discovered to his eye. He states that the Warm Springs Correctional Center (WSCC) medical department has his medical records, and is not a party to this action. Therefore, he seeks a subpoena for his medical records related to his eyes.

Second, Plaintiff asserts that an investigation was conducted by the Inspector General's Office. Plaintiff states that the Attorney General's Office has provided a summary of a report, but not the actual report. He seeks a subpoena to obtain the report from the Inspector General's 23 Office.

Finally, Plaintiff states that he needs the names of the witnesses that were interviewed so he may try to interview the inmates. Plaintiff requested this information in discovery and states that the statements were given, but not the names of the inmates.

Plaintiff's request for the issuance of subpoenas under Rule 45 (ECF No. 56) is **DENIED** because these are all items Plaintiff may obtain through discovery with the defendant.

Plaintiff may kite the warden's office to review his medical records. the Attorney

General's Office shall ensure that Plaintiff is allowed a reasonable opportunity to review his medical records.

The court previously ordered defense counsel to provide Plaintiff with the Inspector

General's report. On or before **June 3, 2022**, defense counsel shall file a notice addressing

Plaintiff's contention that he was only give a summary and not the actual report. Defense counsel shall also address Plaintiff's contention that he was not given the names of the witnesses.

## 13 IT IS SO ORDERED.

Dated: May 27, 2022

Craig S. Denney

United States Magistrate Judge